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**IN THE
COURT OF APPEALS OF INDIANA**

SAJJAD Q. RASHEED,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 45A05-0703-CR-163

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Diane Ross Boswell, Judge
Cause No. 45G03-0504-MR-4

May 30, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Sajjad Q. Rasheed (“Rasheed”) was convicted in Lake Superior Court of three counts of murder and two counts of Class A felony attempted murder. He was sentenced to an aggregate sentence of 270 years. Rasheed appeals and argues whether there was sufficient evidence to support his convictions.

We affirm.

Facts and Procedural History

On April 4, 2005, three men, Rasheed, Kirby Oliver (“Oliver”), and Carl Major (“Major”), traveled together in a borrowed vehicle to the home of David Williams (“Williams”) and Lorna Zaber. Upon arriving, they retrieved weapons from the trunk of the vehicle and sneaked up to the front door of the house. Williams was a well-known drug dealer who Rasheed believed was interfering with Rasheed’s own drug business.

In the front room of the house were Williams, Darryl Mosley, Andrew Espinoza, Brittany Holt, and Lindsay Davidson. Williams saw Rasheed, Oliver, and Major on the front porch and ran to the back of the house. The men kicked open the door, entered the house, and fired their weapons into the air, ordering everyone to the floor. Rasheed asked for Williams and was directed to the back of the house. Rasheed found Williams in the back of the house and demanded drugs and money. He then shot Williams in the head.

Next, Mosley was taken to the back of the house where Rasheed and Oliver demanded drugs. After giving them a large rock of cocaine, Mosley was shot in the head. Rasheed and Oliver returned to the front room where Rasheed shot Espinoza, Holt, and Davidson in the back of the head as they lay on the ground.

During this time, the neighbors noted a strange car in the alley. They also heard gunshots, yelling, and screaming from Williams's house. Two witnesses saw men in an altercation in the back room of the house and heard a gunshot. One of those witnesses heard more yelling and screaming from the front of the house, followed by gunshots.

Oliver and Major left the house and started towards the car, but when neighbors shined lights on them, they ran the other way into a wooded area. Rasheed also ran into the woods with them. Another witness saw three men run into the woods from the house. The men discarded clothing and guns as they ran from the scene. A different witness saw the three men walking together on a nearby street. Oliver and Majors were later arrested in separate locations. Rasheed evaded law enforcement and was not arrested immediately.

When officers arrived at Williams's house, they discovered Davidson and Holt dead and Espinoza died shortly thereafter before medical help arrived. Williams and Mosley survived with serious gunshot wounds to their heads. The police found three different caliber shell casings in the house. They also found three different gloves and three different guns in the nearby wooded area.

The State charged Rasheed with three counts of felony murder and two counts of Class A felony attempted murder. After a jury trial, Rasheed was found guilty as charged. The trial court imposed an aggregate 270-year sentence. Rasheed appeals.

Discussion and Decision

When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jones v. State, 783 N.E.2d 1132,1139

(Ind. 2003). We look only to the probative evidence supporting the verdict and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

On rare occasions we will invade the province of the fact finder to weigh evidence and judge the credibility of witnesses where the testimony is so inherently incredible or improbable that it “runs counter to human experience” and “no reasonable person could believe it.” Edwards v. State, 753 N.E.2d 618, 622 (Ind. 2001). This rule’s application is “limited to cases where a sole witness presents inherently contradictory testimony which is equivocal or the result of coercion and there is a complete lack of circumstantial evidence of the defendant’s guilt.” Majors v. State, 748 N.E.2d 365, 367 (Ind. 2001).

Rasheed argues that the only evidence connecting him to the crimes is the “self-serving” testimony of co-defendant, Oliver. Oliver did, in fact, receive an aggregate forty-five year sentence on three murder charges in exchange for his testimony.

Oliver testified about the events of that evening. He testified that Rasheed was in charge of the robbery of the victims. He also testified that he saw Rasheed take two of the victims into another room and heard gunshots. After this, he saw Rasheed shoot the other victims while they lay on the floor. Oliver’s testimony was unequivocal, consistent and far from being “inherently improbable that no reasonable person could believe it.”

Other witnesses testified to seeing three men running away from the house and hearing three distinct voices yelling during the robbery. Also, the physical evidence regarding the weapons used and the clothes discarded could allow a jury to reasonably

infer that three people took part in the robbery. Finally, Rasheed admitted his involvement in these crimes to two other inmates while in jail.

In essence, Rasheed is asking us to reweigh the evidence that we will not do. Jones, 783 N.E.2d at 1139. Moreover, Oliver's testimony was not incredibly dubious. The evidence is sufficient to support Rasheed's convictions for murder and attempted murder.

Affirmed.

MAY, J., and VAIDIK, J., concur.